

Appl. No. : 09/986,078
Filed : November 7, 2001

REMARKS

Claims 1, 7, 11, 15 and 19 have been amended by this paper and claims 10, 13 and 17 have been cancelled without prejudice. Claim 33 has been added and claims 2-6, 8, 9, 12, 14, 16, 18 and 20-32 remain unchanged by this Amendment. Hence, by this paper claims 1-9, 11, 12, 14-16 and 18-33 are presented for further examination.

In the Office Action mailed October 1, 2003, claims 1-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Margrey, et al. (U.S. Patent No. 6,192,320, hereinafter "Margrey") in view of Gordon (U.S. Patent No. 6,476,907, hereinafter "Gordon"). Margrey defines an interactive multi-station medical specimen analysis system for simultaneously analyzing a medical specimen at remote locations and accessing, for evaluation, the results of each of the analyses at a central laboratory. However, among other things, the Margrey system neither teaches nor suggests the use of a bio-disc, or related bio-disc devices including, for example, a bio-disc drive.

The Examiner has cited Gordon as disclosing "an analytical instrument which is compatible with a computerized system having a bio-disc having a sample (Gordon 50), a bio-disc drive (Gordon FIG. 6), and a central processing unit for controlling said bio-disc drive (Gordon 41) which allows analysis of biochemical samples (Gordon, col. 1, lines 15-18)." While Applicant disagrees with at least some of the Examiner's characterizations of Margrey and Gordon, Applicant particularly notes that neither of these references teach or suggest an interactive testing system having a bio-disc including bio-disc information, and a node configured to evaluate the bio-disc information so as to verify authenticity of the bio-disc. (*See, e.g., claim 1*).

Gordon discloses a substrate which "may be provided with distributed address means for modulating the light beam with digitally encoded position information indicative of the area currently being scanned by the light beam . . .". Thus, Gordon is able to determine the address of the location on which the light beam is incident. However, Gordon does not teach, nor does it suggest, the provision on a bio-disc of bio-disc information, which may be used to verify authenticity of the bio-disc, as is accomplished by the structure of independent claims 1 and 19, and by the method as defined in independent claims 7, 11 and 15. There is simply no teaching in Gordon even remotely related to this feature.

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The Examiner has suggested that Margrey teaches a node which verifies authenticity at col. 6, lines 59-62. However, at col. 6, lines 59-62, Margrey teaches that "once approved, the results received from the analysis are sent to, and stored in the hospital's main computer system, thereby further updating the patient's demographics." It appears that this approval is related to the results received from the analysis. There is no further discussion provided with respect to this comment, and certainly no discussion regarding any process or apparatus by which verification of authenticity of any particular component is accomplished. Furthermore, since Margrey neither teaches nor suggests the use of a bio-disc, or related bio-disc components, Applicant submits that there certainly could not be any teaching or suggestion of an apparatus or method for evaluation of bio-disc information, and verification of authenticity of the bio-disc as defined in Applicant's independent claims 1, 7, 11, 15 and 19.

Since Margrey neither teaches nor suggests the use of bio-discs, and since Gordon neither teaches nor suggests an apparatus or method by which bio-disc information is either provided or evaluated to verify authenticity of the bio-disc in the system, Applicant submits that these references, whether taken individually or in combination, do not teach or suggest such an apparatus or method as is defined in Applicant's independent claims 1, 7, 11, 15 or 19. Certainly, no such apparatus or method as is presented by the combination of elements set forth in those independent claims is either taught or made obvious by the teachings of Margrey or Gordon, taken alone or in combination.

Applicant has added new independent claim 33 to further define subject matter which is patentable over the art of record. Regarding that claim, Applicant notes that, among other things, the act of "accessing the test result in the server through a web page" comprises at least one feature which is neither taught nor suggested by the art of record. Applicant notes that in the Office Action, the Examiner commented regarding claims 14 and 16 that a web page was disclosed in Margrey at col. 6, lines 2-3. However, Applicant notes that at the indicated location, Margrey states that "[T]he network may also be the Internet, a local area network . . .". Applicant submits that the mere description of various types of networks, including the Internet, does not provide any teaching or suggestion as to the accessing of a test result in a server through a web page, in the context as presented in claim 33. Accordingly, Applicant respectfully submits that the subject matter presented in new independent claim 33 defines subject matter which is patentable over the art of record.

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Accordingly, at least for the reasons set forth above, Applicant submits that each of independent claims 1, 7, 11, 15, 19 and 33 define subject matter which is patentable over the art of record. Furthermore, since each of claims 2-6, 8, 9, 12, 14, 16, 18 and 20-32 depend from one of independent claims 1, 7, 11, 15 or 19, Applicant submits that these claims also define subject matter which is patentable over the art of record.

In view of the foregoing, Applicant respectfully submits that claims 1-9, 11, 12, 14-16 and 18-33, as presented herein, are patentable over the art of record. Accordingly, Applicant respectfully submits that these pending claims are now in condition for immediate allowance and such prompt allowance of the same is respectfully requested.

CONCLUSION

The Applicant has endeavored to address all of the concerns of the Examiner in view of the recent Office Action directed to the above-identified application. Accordingly, amendments to the claims, the reasons therefor and arguments in support of the patentability of the pending claims are presented above.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes for any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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